

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

AMERICANS FOR BENEFICIARY CHOICE,  
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Civil Action No. 4:24-CV-439-O

COUNCIL FOR MEDICARE CHOICE,  
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Civil Action No. 4:24-CV-446-O

**NOTICE OF PROPOSED BRIEFING SCHEDULE**

These two cases involve challenges to a Final Rule issued by the U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services, relating to the Medicare Advantage and Part D programs. In case 4:24-CV-439-O, the Court directed the parties to file a joint notice setting forth an agreed briefing schedule on a motion for a Section 705 stay or, alternatively, preliminary injunction, that the plaintiffs in that case (the “ABC plaintiffs”) were planning to file. That stay/PI motion has since been filed by the ABC plaintiffs on June 17, 2024. Meanwhile, case 4:24-CV-446-O was reassigned to this Court from Judge Pittman given the similarity of issues raised by the plaintiffs in that case (the “CMC plaintiffs”), who are also

planning to soon file their own motion for a preliminary injunction and Section 705 stay. In the interest of efficiency and judicial economy, the parties believe it makes sense to have both cases proceed in a coordinated fashion (whether or not the Court desires to formally consolidate the cases). To that end all the parties have conferred and submit the following proposed briefing schedule for both the ABC plaintiffs' motion as well as the CMC plaintiffs' forthcoming motion:

**May 21, 2024** Anticipated date of filing of CMC plaintiffs' motion

**June 3, 2024** The government responds to the ABC plaintiffs' motion and the CMC plaintiffs' motion, via a single consolidated response not to exceed 50 pages, filed by 1 p.m. Central

**June 7, 2024** The ABC plaintiffs and the CMC plaintiffs file their respective reply briefs, each not to exceed 15 pages

The parties have also conferred about a possible hearing on the motions, and they are in agreement that the motions can be decided without live testimony. Plaintiffs also respectfully submit that a hearing or oral argument is warranted, and respectfully request that the Court schedule it no later than June 19, 2024, due to counsel's scheduling conflicts after that date.

Respectfully submitted,

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Certificate of Service

On May 21, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Brian W. Stoltz  
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